IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISC. PETITION NO. 61 OF 2000

Mrs. Coomi Minocher Wellington ... Deceased

Mr. Behram Jamshed Mistry

Mr. Dhunjishah Manckji Mistry

Mr. Hosi Pallonji Mistry

Mr. Kersi Pallonji Mistry. ... Petitioners.

B.J.Mistry - Petitioner present in person.

Mr. Trupti Sanghvi i/b. Asha Bhuta for the Respondent.

CORAM : S.K.Shah, J.
DATE : December 9, 2004.

P.C.:-

1. On 24th June, 2004, the learned Counsel for the Respondent submitted that a probate petition will be filed in respect of the Will, dated 7.12.1994. The learned Counsel for the Respondent submits that the probate petition has already been filed, being Petition No. 757 of 2004 and the Original Will dated 7.12.1994 is already deposited with the Prothonotary & Senior Master of this Court. The learned Counsel for the Petitioner herein submits that the affidavit of attesting witnesses is not filed.

3. In vew of probate petition having been filed, nothing survives in this petition. As such the petition stands disposed of.

.....

[S.K.Shah, J.]